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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,060	12/11/2003	Marcus Clark	AAI-14286	9544
45483	7590	08/29/2007		
AUTOLIV ASP, INC Attn: Sally J. Brown ESQ 3350 Airport Rd OGDEN, UT 84405			EXAMINER CHAMBERS, TROY	
			ART UNIT	PAPER NUMBER
			3641	
			MAIL DATE	DELIVERY MODE
			08/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/733,060

**Applicant(s)**

CLARK, MARCUS

**Examiner**

Troy Chambers

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12-14, 18 and 21 is/are rejected.
- 7) ☒ Claim(s) 5-7, 11, 15-17, 19, 22-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8-10, 13, 14, 18 and 21 are rejected under 35 USC 102 (b) as being anticipated by US 6056314 issued to Shirk et al. (hereinafter "Shirk").
3. With respect to claim 1, Shirk discloses an initiator assembly comprising: an initiator 90 including an initiator cup 94 defining a storage chamber and at least one reactive charge (col. 2, ll. 62-67) and an electrical connector 112, 114; a retainer 122; and, a connector socket 62. The initiator is connected to the connector via retainer 122.
4. With respect to claim 2, the retainer connects to the connector through an axial opening as shown in Figs. 1 and 2.
5. With respect to claim 3, retainer 122 includes arms 132 with tabs ends.
6. With respect to claim 4, Shirk further discloses a raised rim 116; initiator arms 130 disposed on the retainer 122. The initiator arms 130 are configured to snap-lock with the raised rim 116 of the initiator.
7. With respect to claim 8, the raised rim 116 is circumferential.
8. With respect to claim 9, the arms 132 extend from the initiator as shown in Fig. 3.
9. With respect to claim 10, the connector includes a shoulder 70 for retention of the arms 132.

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10. With respect to claims 13, 14 and 18, refer to the rejection of claims 1-4 and 8-10 above.

11. With respect to claim 21, Shirk discloses an initiator as discussed above and further including an adapter plate 42 with an opening in which the connector and retainer are located upon assembly.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirk. Shirk discloses an initiator assembly as discussed above. However, Shirk does not disclose a retainer disclosed of plastic. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a retainer made of plastic, since it has been held to be within the general skill of a worker in the art to select known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. Moreover, it is well known in the art to substitute plastic for metal to decrease the weight of the desired assembly.

***Allowable Subject Matter***

14. Claims 5-7, 11, 15-17, 19 and 22-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

15. Applicant's arguments filed 05/29/2007 have been fully considered but they are not persuasive. Applicant refused to provide antecedent basis for "the inflator device" of claims 1 and 13. The recitation of an inflator device in the preamble of the claims is directed toward intended use. Therefore, any reference to an inflator device in the body of the claims is also directed to intended use unless it is positively recited. In this case, applicant's "wherein" clauses are interpreted as being directed to intended use unless the subject matter therein is first positively recited.

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

/Troy Chambers/

Primary Examiner, Art Unit 3641

/T. C./

08/20/2007